1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

anywhere, and it was in vain that he sent parties here and there to search for her. After useless investigations, they believed that it was this beautiful woman who had been killed in the battle and had assumed the body of a white bear, and that the struggle signified their approaching slavery.[1]

"In regard to the oracle of which I have just spoken, they say that between three mountains which make a tripod is a valley, very deep, dark, and inaccessible because the sides are perpendicular, into which if one fell he could climb up again only by means of ropes; that below is seen shining something like a burning torch, and it is there where the one who knows the secret goes for the oracle, for in the nation there is only one man and his wife who know it. There are two, they say, for fear lest if there were but one and he happened to die suddenly or in war, the secret would be lost. I heard the story of that secret place where the three mountains are from a French officer, a friend of mine and commandant of the Alabama post. Having heard it spoken of, he thought the appearance must be occasioned by precious stones at the base of these mountains; perhaps, said he, a carbuncle. With this thought in mind he wanted to try to discover the secret. He ordered the interpreter to bring before him one of the two guardians of the secret. By chance it was the woman whom he brought, having found her first; and, knowing well that they love brandy as much as their husbands do, the commandant got her intoxicated. But he found her very different from European women, for he was not able to draw from her any information, since she preferred to die rather than make it known. She added that, if she told him, she would not be able to escape; the oracle would cause her death, and, after death, instead of passing into the body of some fine animal as she expected, it would make her enter the body of a crocodile (alligator), the usual punishment in the other world for those who have misbehaved in this. They believe in transmigration. There are even certain nations which will by no means eat of some animals for fear of eating their relatives or friends, for each nation has its especial animal into the body of which it must enter after death."

The First Meeting Between the Creeks and the White People

This event, of such great, if also tragic, interest to the Indians, is the subject of a number of stories. One of these has already been given, and there are several more of similar type. Kasihta yahola, an Indian of the Łapłáko town, had heard that the Americans were formerly out upon the ocean and at first the Muskogee would not let them land, but finally they relented, and a prophecy arose at that time to the effect that the Indians would ultimately be dis-

[1] [Cf. cat 115, p. 74 -- Analyst]

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

173
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possessed by these newcomers. Another informant said that the Indians were believed to have come out of the earth, and therefore they own it and are to go back into it. The white people, on the other hand, were created later out of the foam of the sea. They first begged to put one foot on shore to rest themselves a little, and the Indians consented, but afterward the newcomers complained that it was tiresome to stand on but one foot and they asked to be allowed to set the other ashore. This also was granted. Next, the whites wanted to buy from the Indians as much land as could be covered with a hide, and when the Indians agreed they cut the hide into strips and made it surround a large area. In this way the Indians were gradually dispossessed. The Indians were also given a prophecy at that time to the effect that the whites would come and preach to them and the preaching would move westward.

Here we have the famous "cowhide purchase" myth, which dates back as far at least as Virgil, reinjected into Indian thought, apparently from a modern schoolbook. The most remarkable interweaving of schoolbook and other latter-day elements into a kind of Indian neo-philosophy is, however, the following from a decidedly reactionary Creek of Hilibi town:

"When Columbus reached America the first thing he saw was an eagle with a bunch of arrows in one claw and some leaves in the other. The arrows had been shot by the Indians and the eagle had caught them. Then Columbus and his people landed, but, being at first unable to open communication with the natives on account of their shyness, they resorted to a stratagem. They set a barrel of whisky ashore, laid a cane by it, and then withdrew. Afterward the Indians found the barrel and got drunk so that the white people were enabled to capture one of them. The rest managed to get away. They took the man they had captured and taught him "English" and through him they gradually became acquainted with the rest. Then they began to make treaties. To illustrate the gradual encroachments of the newcomers and how they dispossessed the Indians the following parable is told. Seventy Indian chiefs sat on a log which had fallen toward the west, and every time the whites came to make a treaty with them they would move up on it a little. They kept hitching up until at last the end man was shoved off. Then he said: 'There it is. I told you that is what you would do with me.' The white people induced them to make a treaty granting them as much ground as could be covered with a cowhide, and afterward they cut the hide into strips and treated them in the way already related. More white people kept coming and trouble arose, so that part had to go back. The remainder, however, promised that they would treat the Indians right as long as the streams ran and the water lasted."

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

This curious mixture contains an attempt to explain the eagle on our national seal, and includes a version of the "cowhide purchase," reference to the American Revolution, a story said to be drawn from the life of Tecumseh, and the treaty by which the Creeks were deeded their lands west of the Mississippi. The episode of the whisky barrel—which of course could not have been a whisky barrel—gives significant prominence to a potent source of Indian misfortunes. An old Tukabahchee informant had the following to say:

"It was predicted by the great Ruler that the Creeks were to be at the doorway of this continent and that the white people were to come there and treat with them. And the coming of the white people was in this manner. The Indians, looking out upon the ocean, thought that they saw a duck floating there. It came nearer and nearer and proved to be a boat. When the Indians saw people get out of this boat they became frightened and ran away to hide behind trees from which they could watch the strangers. Then they saw the strangers bring some barrels ashore and drink from them. Afterward the whites withdrew to a distance and the Indians came to the barrels to examine them. Finding that the stuff which they contained had a pleasant odor they drank some of it and became tipsy. Then the white people ran forward and tried to capture them but they got only one. The others called to them to bring their companion back but they would not let him go until he had learned to speak their language. Then they sent him back to them and he told them that the strangers talked fair but wanted land. For a time the Indians refused to sell any, but the whites were so insistent that the ninety native chiefs finally agreed to treat with them and let them have some. The word given to the Indians by the white people at that time was 'I will be the father of your tribes,' and consequently the Indians call a white man 'white father.' "

Some amusing things are told of the uses to which these primitive Indians put the articles which the white people gave them. On receiving some flour, for instance, they mistook it for white paint and painted their bodies with it.

Prophecies Regarding the Fate of the Indians

Besides the very general prophecies regarding their fate which contact with the whites naturally brought out, there were prophecies which seem to have belonged in part at least to the original body of myth of the tribe. As we have seen, one informant supposes that the Indians having come out of the earth will go down into it again, which indeed happens with each individual's body at death. According to another man this disappearance was to take place just where their emergence had occurred, at "the navel of the world." Preceding this "the busk would begin to suffer from neglect, the people refuse

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11
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At the end of the eighteenth century Benjamin Hawkins, first agent of the American Government to the Southern Indians, undertook to knit the Creeks into a firmer and more responsible organization. To carry out this plan the towns were placed in nine classes, and one or two individuals were selected to represent each. The nine classes are given as follows:

1. Okchai, Wiwohka, Pakan tallahassee, Opillâko, and Łalogâlga.
2. Kealedji and Eufaula.

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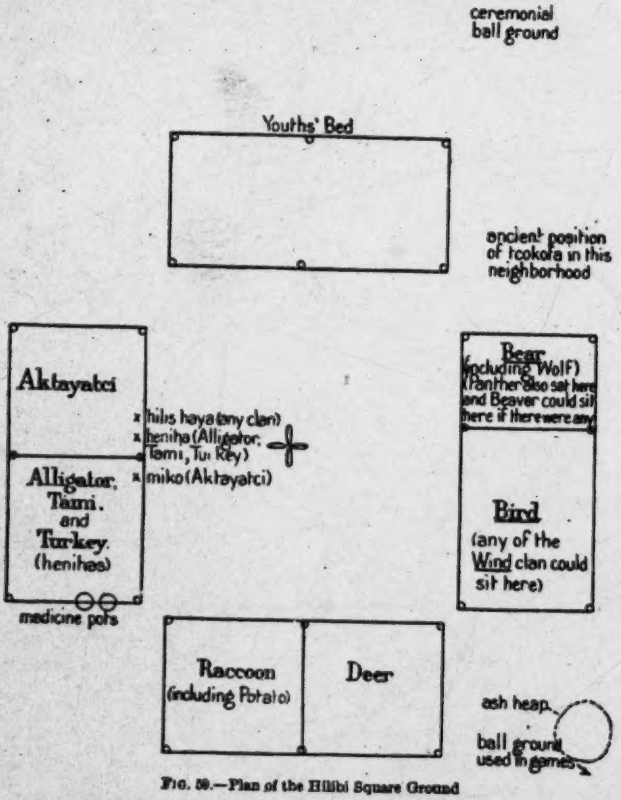
ceremonial ball ground
Youths' Bed
ancient position of Tcokofa in this neighborhood
Aktayatci
x hilis haya (any clan)
x heniha (Alligator, Tami, Turkey)
x miko (Aktayatci)
Alligator, Tami, and Turkey (henihas)
medicine pots
Bear (including Wolf) (Panther also sat here and Beaver could sit here if there were any)
Bird (any of the Wind clan could sit here)
Raccoon (including Potato)
Deer
ash heap
ball ground used in games

FIG. 59.—Plan of the Hilibi Square Ground

3. Hilibi, Wakokai, and Potcas hatchee.
4. Abihkutci, Natchez, Coosa, and Eufaula hatchee.
5. Holiwahali, Kan-hatki, Sawanogi, Muklasa, and Tukabahchee.
6. Okfuskee and its branches Sukaispoga, Nuyaka, Imukfa, Tukabahchee Tallahassee, Tohtogagi, Achinaulga, Okfuskutci, and Ipisagi.
7. Otciapofa and Tuskegee.
8. Tulsa, Atasi, Fus-hatchee, and Kolomi.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

619 631 stands first and Lower Creeks will assign the place of honor to Coweta. Tukabahchee is certainly first in size and first in the regard in which it is held by those who keep to the old customs, but if one goes back into the earlier history of the Creeks as revealed in documents it becomes plain that Coweta was regarded as leader. Its chief was at one time honored by the Whites with the title of "emperor" and the name Coweta was extended over all of the Lower Creeks.[83]

622 A French writer gives the following picture of the Coweta chief at the period of the Yamasee war (1715), though it is unlikely that he had as much to do with the inception of that contest as is represented:

"The nation of the Caoüita is ruled by an emperor who in 1714 [1715] had all the English destroyed, not only all those who were in the nation but also those among the Abecá, Talapouches, Alibamons, and Cheraqùi. . . . They [the English] made the emperor very great presents to regain his friendship and that of his nation. The French also give him presents as do the Spaniards, which makes him very rich, for the French who go to visit him are served in silver vessels. He is a man of good appearance and good character. He has many slaves who are busied night and day preparing food for those coming and going on visits to him. He seldom goes afoot, always having horses well caparisoned, as do many of the people of his village. He is absolute in the nation (i. e., among the Lower Creeks). He has a quantity of cattle and kills some of them at times to regale his friends. No one has ever been able to make him take the side of any one of the European nations which are acquainted with him, for he asserts that he wishes to see everyone, to be neutral, and not to espouse any of the quarrels which the French, English, and Spaniards may have with one another." [84]

619 631 642 ●648 177 The headship of Coweta became a matter of importance in the early part of the nineteenth century when negotiations were inaugurated by the whites for the removal of the Indians constituting the Creek confederacy. The Lower Creeks being much more favorably disposed to the plan than those of the Upper towns, white officials strove to make as much of the primacy of Coweta as possible. In a letter written by Duncan G. Campbell to John C. Calhoun, Secretary of War, December 18, 1824, he says:

"This Coweta town is the most extensive and numerous in the nation, and claims to be the original town of the whole tribe, and that all others are its branches. In proof of this priority of standing I beg leave to refer you to our journal, which contains a communication from the council of the 11th of December, in which they say that 'the first red people that ever visited the whites were from the Coweta

[83] The title was given both by English and French. See Bossu, Nouv. Voy., vol. II, p. 67. The latter writer adds, however, that the town chiefs refused to give up their independence and change the ancient organization.

[84] French Memoir of 1758, Ms.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

619 631 642 648 177

town.' The like proof was contained in an observation of the Little Prince during the negotiation. In argument, an old treaty was referred to, which had been concluded between the Creeks and the state of Georgia. Its authenticity was denied, on the ground that 'no Coweta chief had signed it.' Coweta is on both sides of the Chattahoochie; contains McIntosh, the Little Prince, Tome Tuskumuggee; and extends from Broken Arrow to the Cherokee boundary. It is worthy of remark, that the treaty of 1821, concluded at the Indian Springs, is signed by but two chiefs on the Alabama side of the nation. The fact is, that McIntosh maintains the right of the Coweta town alone to dispose of the whole country. It would seem that the upper towns conceded this authority, and dreaded its exercise; for the utmost consternation was discoverable whenever it was known that the commission (the Commissioners) and the Coweta chiefs had had an interview.[55]

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A much longer brief for the supremacy of Coweta is given in the volume from which the above is quoted. This was compiled by Joseph Vallence Bevan for the State of Georgia,[56] and is in consequence an ex parte document like the one quoted. On the other hand, the speaker for the Tukabahchee chief, the famous Hoboi-hil yahola, who represented the sentiments of most of the Upper Creeks, delivered a "talk" to the United States commissioners at Indian Springs, Friday, February 11, 1825, opposing some of the claims of Coweta. He said in part:

"We met you at Broken Arrow, and then told you we had no land to sell; I then heard of no claims against the nation, nor have I since. We have met you here at a very short notice, and do not think that the chiefs who are here have any authority to treat. General McIntosh knows that we are bound by our laws, and that what is not done in the public square, in general council, is not binding on the nation. I am, therefore, under the necessity of repeating the same answer as given at Broken Arrow, that we have no land to sell. I know that there are but few from the upper towns here, and many are absent from the lower towns.

"General McIntosh knows that no part of the land can be sold without a full council, and without the consent of all the nation; and, if a part of the nation choose to leave the country, they can not sell the land they have, but it belongs to the nation. From what you told us yesterday, I am induced to believe that it may be best for us to remove, but we must have time to think of it; and, should the chiefs who are here sell the land now, it might create dissentions and ill blood among the Indians. I have received a message from my head chief, the Big Warrior, directing me to listen to what the com-

[55] Am. State Papers, Ind. Aff., vol. II, p. 573. [56] Ibid., p. 788.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

missioners have to say; to meet them friendly, and part in the same way, but not to sell the land."[57]

It is noteworthy that Hoboi-hil yahola does not deny the headship of Coweta; he merely denies that Coweta had the right to dispose of Creek territory, holding that such a right was vested solely in the full council of the confederacy.

But if we explore still farther into the past, by means of native traditions, we find priority claimed by Kasihta, and in fact I believe Kasihta to have been originally the leading town. This would receive abundant confirmation if, as I have supposed, Kasihta was the ancient Cofitachequi. There is some reason to think that the foundation of the confederacy had been laid in De Soto's time, the principal parties to the alliance being Cofitachequi (Kasihta), Coosa, and probably Coweta, though this last is not mentioned in the De Soto narratives under a recognizable name. The importance which we find later attached to Otciapofa was probably inherited in the first instance from Coosa and later strengthened by the dictatorship of McGillivray.

One of our sources affirms an ancient headship of Atasi among the Tallapoosa towns. It says:

"The nation of Talapouches live under a republican form of government. There were formerly princes over it whose authority was absolute. In many places are to be seen mounds of earth more than half a league in length which they conducted from one mountain to another. The grand chief lived in the village of the Atachés and bore the same name. After the death of the last of these princes there was no longer a particular chief in this village, but the war chief commands. They say that the [last grand] chief went to the sky to see his relatives, and that he has assured them that he will return."[58]

The only corroboration this receives, and that only by inference, is from the wooden figure of a man which Adair states the people of this town had set up in their square.

Leadership in the confederacy was evidently due for the most part to size, power, and prestige, and its workings were probably based on a body of precedent.[59]

Unfortunately no satisfactory study of the organization of the confederate Creek council has come down to us, and we must form an estimate of it by piecing together information from several sources. The most specific statement is furnished by Bossu, who says:

"These peoples (the Creeks) hold a general assembly annually in the principal village or the chief place of the nation; there is a great

[57] Am. State Papers, Ind. Aff., vol. II, p. 582.

[58] French Ms. of 1758.

[59] Gallatin, on the authority of Mr. Mitchell and Colonel Hambly, gives "Thlococtcho" as the name of "the general seat of government" of the Creeks. This is probably intended for Likatcika, the residence of the "Little Prince," at one time head chief of the nation. It was a branch of Coweta. (See Trans. Am. Antiq. Soc., vol. II, p. 112.)

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

537 a very pathetic, elaborate, allegorical, tragic oration, in the high praise, and for the great loss, of their great, judicious war-chieftain, *Shu-las-hum-mâsh-tâ-be*, our daring, brave friend, *red shoes*. The orator compared him to the sun, that enlightens and enlivens the whole system of created beings: and having carried the metaphor to a considerable length, he expiated on the variety of evils, that necessarily result from the disappearance and absence of the sun; and, with a great deal of judgment, and propriety of expression, he concluded his oration with the same trope, with which he began."[84]

642 Stiggins tells us that the confederate council was in reality without power. He says:

"The form of Government under which they live is a tyrannical oligarchy in its principles and practiced under that head to the full extent. At a slight view the most of people suppose and say that it is a democracy on republican principles but it is far different, for all public business whether of a national or private character is done by the chiefs. Though the nation is summoned in what is termed their grand council, when the state of the nation is supposed to be examined into, and their oral laws made, the assembly say not a word in the matter. For while in their sittings the assembled body of the nation sit as mutes, without being consulted in any manner until a few chiefs in their council house make the laws for their government without condescending to ask an opinion or approbation in any case, the national body being merely convened to hear what is done, for after a law is digested by the chiefs the national convention is informed of its tendency by the orator of the nation in a very exact and precise manner, who moreover informs them of all that has been transacted, which new law when they are made acquainted with its tendency, let it be as it may, they are the most obedient subjects under the sun to the penalties of it, be it oppressive or not. Should they infringe the law they will suffer beating, confiscation of their property or even death without a murmur or family resentment. Moreover, should an Indian be obstreperous in contending for his right of property or otherwise or obtrude on the right or even interests of a chief, the chiefs can so far tyrannise after a consultation as to have him beaten or slain, as a common disturber of the peace, without any other imputation of guilt than a law breaker as they term it.

642 "In former days in the time of their self importance and undisturbed government, before an agent was located in the nation by the 648 U. S. to improve their morals and reform their customs, their ordained chiefs were more rude, active, and despotic and more frequent 177 in their mandates of tyranny, and not near so uniform and circumspect in their deportment as now toward the common men. In later years the principal chiefs or great men of the nation have been

[84] Adair, Hist. Am. Inds., p. 11.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

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increased to about fifteen in number. Their nomination has been approved as such by the agent of the Government and recognized as such by all the tribes. They are invested with power and authority to superintend the affairs of their national Government with the incumbent duties annexed, such as receiving the national salary from the agent of the U. S. and paying their public debts, which they seemingly do with a national concurrence. For they never undertake or do any important business without a national convention when the chiefs deliberate and through their orator inform the assembled body of the nation, of what they have determined and dismiss them."[86]

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In speaking of the lesser members of the class called mikâgi Stiggins says farther on: "They attend the appointed national calls only as mutes, for in the national assembly none have a voice but such as are appointed to national purposes."[86]

Duncan G. Campbell, in his letter to John C. Calhoun, Secretary of War, written December 18, 1824, and cited above, says:

"Upon the subject of the government of the Creeks, we could not acquire information of a definite and satisfactory character. Their council is composed of a great number of chiefs, of various grades of authority. The Big Warrior is head chief of the upper towns, and McIntosh of the lower; he is also speaker of the nation. The Little Prince is highest in authority, being head chief of the nation; and has been uniformly the friend and adherent of McIntosh."[87]

It is not entirely plain whether the "council" here mentioned was the council of chiefs or the general assembly. The "great number of chiefs" would seem to suggest something more impressive than the body of 15 described by Stiggins, but we shall see presently that certain economic causes operated to increase the membership of the higher assembly very rapidly, at least after the removal of the tribe beyond the Mississippi.

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Valuable additional information regarding the entire government of the nation in the early part of the nineteenth century, after it had emigrated to the west, is given us by Hitchcock, who says:

"The whole Creek Nation is composed of two parties, which were designated in the old Nation east of the Mississippi River, as the Upper and Lower Towns, sometimes called Upper Creeks and Lower Creeks. They are still to a considerable extent distinct. The Upper Creeks are principally on the Canadian and the Lower Creeks are on the Arkansas.

"These parties have separate Head Chiefs. At present the Principal Chief of the Lower Creeks is Roly McIntosh, as Tommarthle

[86] Stiggins, Ms. Hist. Narr., pp. 13-15.
[87] Ibid., p. 15.
[87] Am. State Papers, Ind. Aff., vol. II, p. 575.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

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Writing in 1791, Swan says:

"The most influential chiefs of the country, either in peace or war, are the Hollowing King, of the Cowetas; the White Lieutenant, of the Oakfuskies; the Mad Dog King, of the Tuckabatchees; the old Tallassie King Opilth-Mico, of the Half-way House at Big Tallassie; the Dog Warrior, of the Natchez; and Old Red-shoe, King of the Alabamas and Coosades. A treaty made with the before-named chiefs would, probably, be communicated to all the people of the country, and be believed and relied upon." [1]

It is worthy of note that the Coweta chief is the only Lower Creek chief mentioned, the inference being that through the personal force of this man or the preponderating influence of his town all of the other Lower Creek towns could be controlled. Of the five Upper Creek chiefs only one, the chief of Tukabahchee, represents a Red town, or a town that belonged to the Red side at that time; two, the Okfuskee and Big Tulsa chiefs, represent the old Coosa element, and two, the Natchez and Alabama chiefs, the non-Muskogee element. It is probable, however, that the Dog Warrior of the Natchez represented equally his own people and the Abihka. All the Upper Creek towns having any pretensions to leadership are thus represented except Otciapofa and the omission of this is at once explained when we remember that it was the town of Alexander McGillivray, at that time unofficial dictator of the entire nation. Swan assumes his cooperation without specific mention.

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The Creek organization in the eighteenth century would appear from this information to have been about in the same condition as it was in the early part of the nineteenth—a loose confederation led by from two to four towns and holding irregular councils, the different sections of the nation often counselling apart, comparative absence of internal warfare and continuous but rarely unified warfare against neighbors. Regarding the latter point it is interesting to note that in the Creek-American war of 1813 not only did the Lower Creeks actively assist the whites, but a large number of Upper Creek towns refused to have anything to do with the hostiles. Among these were Abihka, Natchez, Tukabahchee and some of her allies, Kealedji, and, in the beginning at least, Łałogälga and Upper Eufaula. Hilibi remained neutral as well but was attacked without warrant by an army of whites and severely handled.

It is to be observed, however, that a considerable change took place both internally and externally after white contact tending to increase the power and importance of the confederacy much beyond its primitive condition. Thus, in De Soto's time the Kasihta and Coosa, the representatives of the Lower and Upper Creeks, were noteworthy and powerful tribes but only to a certain extent superior to many

[1] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 261.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

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others, such as the Utina, Potano, and Apalachee of Florida, and the Chiaha, Tali, Mobile, and many more farther north. It is even uncertain whether at that date any sort of confederacy existed. As time went on, however, the Florida tribes were destroyed or scattered, and the same fate overtook the Yamasee, the Indians of the Georgia coast, and the smaller tribes in the neighborhood of South Carolina. This served to increase the power of the Creeks proper, both by weakening that of their neighbors and by causing many fugitive tribes to unite with them and add to their fighting force. Leaving out of consideration the Hitchiti, Alabama, Koasati, and Tuskegee, who were incorporated almost before the dawn of clear history, we have very exact information of the incorporation of the Yuchi, which had formerly been an independent and hostile tribe, of part of the Shawnee, and of the remnant of the Natchez. This system of adoption resulted in the strengthening of the confederacy about in proportion to the weakening of its neighbors, until finally but one tribe remained, the Choctaw, able to contend with it on anything like equal terms. This latter, it is to be noted, owed its strength not so much to incorporation of fugitive elements as to a location where it was for a long time protected against European encroachment, intensive cultivation of the soil, and an unwarlike disposition—all contributing to a steadily mounting population. The Choctaw government was very feebly centralized for the same reason until very late times when it was much strengthened as a result of constant attacks on the part of Chickasaw and Creek enemies. The Creeks, on the other hand, had adopted their federal union very early, probably in part as the result of pressure from without, and as this pressure was increased by the approach of white settlements the sense of danger tended to accelerate the centralization. It thus happened that in the last quarter of the eighteenth century conditions were ripe for the evolution of a still more closely knit state, and merely awaited the advent of the man who could bring it about. And such a man appeared.

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A critical life of Alexander McGillivray would be a distinct contribution to southern history, but it is not germane to our purpose. Doubtless much that has been written regarding him is inaccurate and I do not vouch for all the facts given in the following account by Swan, but of the revolution he accomplished in Creek government there can be no doubt. Swan says that his title was Steutsa'cco-Cho'ota' which is evidently a very bad attempt at isti atcagagi lako, "great honored or beloved man."[*] He goes on:

"The present great beloved man, who left Georgia in disgust about the year 1776, and attached himself to the upper Creeks,

[*] His Indian name, however, is given by Pope as "Hippo ilk Mees, or the good Child King." In correct Creek this would be Hobot-hili miko, but there is reason to think that McGillivray did not belong to a clan which would entitle him to be called miko.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

The Yuchi probably claimed an exclusive right to hunt in their ancient territories on the Savannah and Ogechee.

Spoils taken in war were the property of the captor. Rights to land on the part of tribes and towns seem to have been based on original occupancy, hunting, and conquest in wars with other tribes.[19] It is probable that if we could investigate the Creek confederacy as it existed in the seventeenth and eighteenth centuries we should find that, in spite of a freedom to hunt broadly exercised, certain towns and clans claimed prior rights over parts of the common territory outside of their contiguous town limits, so easily does the idea of ownership become associated with that of use.[20] Coweta in particular seems to have put forth extensive claims to ownership of territory in the eastern part of the Creek area, and early in the nineteenth century even professed a right to dispose of the lands of the entire nation. This was, however, a political move fathered by the State of Georgia and that half-breed element which was acting in its interest.

In general we may say of the ancient Creeks that use and ownership among them were pretty closely united while the clan system and accompanying feeling of solidarity and sense of the duty of hospitality diffused prosperity to such an extent that well being was pretty widely extended and contrasts between wealth and poverty comparatively slight.

Finally I can not refrain from quoting the following passage from Hawkins, which shows clearly the economic bases of the difficulties between the whites and the larger tribes of Indians in the Southeast:

"Notwithstanding, I rely for the present on the assurance I have received [from the Indians], I must inform you that the game has become scarce; the wants of the Indians are increasing, the men too proud to labour; the distemper has destroyed their horses; the presents heretofore given by Great Britain, in quantities sufficient to cloathe all the idlers, has ceased; those given by Spain are mere baubles. The men, bred in habits proudly indolent and insolent, accustomed to be courted, and to think that they did a favour by receiving, where naked, cloathes and comforts from the British agents, will reluctantly and with difficulty, be humbled to the level of rational life."[21]

CRIME AND PUNISHMENT

The word haksi was used by Chickasaw of Adair's time "to convey the idea of a person's being a criminal in any thing whatsoever," and "such unfortunate persons as are mad, deaf, dumb, or blind, are called by no other name."[22] The original meaning of this word is

[19] Schoolcraft, Ind. Tribes, vol. I, p. 282.

[20] Eakins denies, however, that families had exclusive rights to any hunting grounds. This was after the removal west.

[21] Hawkins, Letters, in Ga. Hist. Soc. Colls., vol. IX, p. 240; cf. also p. 209.

[22] Adair, Hist. Am. Inds., p. 157, footnote.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

628
682

has the following to say regarding murder in the stricter sense of that term:

"If murder is committed, the family and tribe alone have the right of taking satisfaction. They collect, consult and decide. The rulers of the town, or the nation, have nothing to do or to say in the business. The relations of the murdered person consult first among themselves, and if the case is clear, and their family or tribe are not likely to suffer by their decision, they determine on the case definitely. When the tribe may be affected by it, in a doubtful case, or an old claim for satisfaction, the family then consult with their tribe; and when they have deliberated and resolved on satisfaction, they take the guilty one, if to be come at. If he flies, they take the nearest of kin, or one of the family. In some cases, the family which has done the injury promise reparation; and in that case are allowed a reasonable time to fulfill their promise; and they are generally earnest of themselves, in their endeavors to put the guilty to death, to save an innocent person.

727
648

"This right of judging, and taking satisfaction, being vested in the family or tribe, is the sole cause why their treaty stipulations on this head, never have been executed. In like manner, a prisoner taken in war, is the property of the captor and his family, it being optional with his captor, to kill or save him at the time. And this right must be purchased, and it is now the practice, introduced within a few years, for the nation to pay. The practice has been introduced by the agent for Indian affairs, and he pays on the orders of the chiefs, out of the stipend allowed by the United States to the Creeks. Claims of this sort of seventeen years standing, where the prisoner has been delivered to the order of the chiefs, have been revived, allowed and paid."[79]

682
177

In view of these facts the following law which Hawkins induced the Creek council to adopt becomes significant:

"To declare as law, that when a man is punished by the law of the nation, and dies, that it is the law that killed him. It is the nation who killed him; and that no man or family is to be held accountable for this act of the nation."[80]

Nevertheless it was with great difficulty that the Indian agent was enabled to secure the punishment of certain thieves and mischief-makers, some of whom had insulted the commissioners of Spain and the United States,[81] so strong was the sense of obligation to retaliate for injuries received by a fellow clansman and so great the fear of awaking it. Adair mentions several occasions on which an offender was protected by his family.[82] By 1820, however, Hodgson reports,

[79] Hawkins in Ga. Hist. Soc. Colls., vol. III, pp. 76-78.
[80] Ibid., p. 68.
[81] Ibid., p. 67.
[82] Adair, Hist. Am. Inds., pp. 262, 264.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

There are some instances on record of women who received the rank and title of warriors,[13] but in a Hitchiti story collected by Gatschet a woman's brave deed was recompensed by conferring a war title upon her son.

That the scalps might be repainted from time to time and made to play a part in later ceremonies is shown by what Adair says of the Choctaw. "At the time Mobile . . . was ceded to Great-Britain, the lower towns of the Choktah brought down all the Chikkasah scalps they had taken, in their thievish way of warring, and had them new painted, and carried them in procession on green boughs of pine, by way of bravado, to show their contempt of the English."[14]

The following account of ceremonies actually witnessed by Adair is most interesting in this connection:

"In the year 1765, when the Chikkasah returned with two French scalps, from the Illinois, (while the British troops were on the Mississippi, about 170 leagues below the Illinois) as my trading house was near the Chikkasah leader, I had a good opportunity of observing his conduct, as far as it was exposed to public view.

"Within a day's march of home, he sent a runner ahead with the glad tidings—and to order his dark winter house to be swept out very clean, for fear of pollution. By ancient custom, when the outstanding party set off for war, the women are so afraid of the power of their holy things, and of prophaning them, that they sweep the house and earth quite clean, place the sweepings in a heap behind the door, leaving it there undisturbed, till *Opáe*, who carries the ark, orders them by a faithful messenger to remove it. He likewise orders them to carry out every utensil which the women had used during his absence, for fear of incurring evil by pollution. The party appeared next day painted red and black, their heads covered all over with swan-down, and a tuft of long white feathers fixt to the crown of their heads. Thus they approached, carrying each of the scalps on a branch of the ever-green pine, singing the awful death song, with a solemn striking air, and sometimes Yo He Wah; now and then sounding the shrill death *Whóo Whoop Whoop*. When they arrived, the leader went a-head of his company, round his winter hot-house contrary to the course of the sun, singing the monosyllable Yo, for about the space of five seconds on a tenor key; again, He He short, on a bass key; then Wah Wah, three times, gutturally on the treble, very shrill, but not so short as the bass note. In this manner they repeated those sacred[15] notes, Yo, He He, Wah Wah, three times, while they were finishing the circle, . . .

[13] For one such see Bossu, Nouv. Voy., vol. II, p. 42.

[14] Adair, Hist. Am. Inds., p. 316.

[15] Adair calls them "sacred" because he believed the Indians to be descended from the Hebrews and these meaningless syllables to be an attempt at the name Jehovah.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

sippi tribes by those on the eastern side. When Bartram was on the Suwanee River, Fla., he learned that the Indians of that region went trading and hunting in their cypress canoes all along the coast as far as the southern end of Florida and even to Havana. He himself encountered a party which had just returned from the latter place. He states that they carried thither in trade "deer skins, furs, dry fish, bees-wax, honey, bear's oil, and some other articles."[1] Elsewhere he notes that the same articles, minus the dry fish, were traded to the American settlers and several Indians had become very well to do in consequence of this industry.[2] The following from Swan shows how and where they obtained their firearms at the end of the eighteenth century.

"The Creek Indians are very badly armed. The chief has made it a point to furnish them with muskets in preference to rifles, which, from the necessity of being wiped out after every shot, have been found less convenient than the former. Their muskets are of the slender, French manufacture, procured through the Spanish government at Pensacola, but are so slightly made, that they soon become unfit for any service.

"If the Indians were able to purchase for themselves, they would, however, prefer rifles in all cases, because they find them more sure and lasting: a good one will, at any time, command the price of 100 chalks, or $50, to be paid in skins or horses in the country."[3]

That some of the Indians of this tribe readily took to trading is reiterated by Romans, who says: "There are few towns in this nation where there is not some savage residing, who either trades of his own flock, or is employed as a factor."[4]

Counting

The Muskhogean systems of numeration are all decimal. In Adair's time the Chickasaw figured out mercantile transactions on the ground, a system which they called yakâ-ne Tlápha,[5] or "scoring on the ground."[6] They made single marks for each unit and a cross for 10. Adair believed that this latter mark was borrowed from the whites, but I have seen computations by the northwest coast peoples in which straight marks are used for units and a cross inserted to mark off every 20 units, the system of notation being vigesimal with them. The cross in the south may have been used for the same purpose in marking off tens. It is to be added that Adair's statements are confirmed by Eakins.[7] Eakins also says that they used

[1] Bartram, Travels, p. 225.
[2] Bartram, Trans. Am. Eth. Soc., vol. III, p. 39.
[3] Swan in Schoolcraft, Ind. Tribes, vol. V, p. 261.
[4] Romans, Nat. Hist. E. and W. Fla., pp. 95-96.
[5] Yakni lapa, "ground spread out."
[6] Adair, Hist. Am. Inds., p. 77.
[7] Schoolcraft, Ind. Tribes, vol. I, p. 273.